

Message Text

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ACTION SNM-05

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UNCLAS SECTION 1 OF 2 BELIZE 0770

E.O. 11652: N//A
TAGS: SNAR
SUBJECT: NARCOTICS LAW

REF: STATE 170187

I. POSSESSION

- (A) DANGEROUS DRUGS STATUTE MAKES NO DISTINCTION AMONG VARIOUS NARCOTICS.
- (B) THERE IS NO SPECIFIC AMOUNT REQUIRED TO ESTABLISH A POSSESSION CHARGE. POLICE HAVE ARRESTED PEOPLE FOR POSSESSION OF LESS THAN ONE-EIGHTH OF STICK OF MARIJUANA.
- (C) ALL NARCOTICS OFFENSES ARE SUBJECT TO THE SAME PENALTIES (SEE II(B)).

II. TRAFFICKING

(A) BELIZEAN LAW CONSOLIDATES ALL CONTROLLED SUBSTANCES INTO ONE GENERAL TRAFFICKING OFFENSE. WHILE AMPHETAMINES & BARBITUATES ARE PROSCRIBED, LSD, ETC. ARE NOT WITHIN THE SCOPE OF CURRENT DANGEROUS DRUG ACT.

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(B) MAXIMUM SENTENCE WHICH MAY BE IMPOSED FOR CONVICTION BY INDICTMENT (TRIAL BY JURY AT SUPREME COURT LEVEL) IS BDOLS5,000 AND/OR TEN YEARS WITH/WITHOUT HARD LABOR. NO MINIMUM SENTENCE. THE MAXIMUM SENTENCE WHICH MAY BE IMPOSED IN A SUMMARY JUDGEMENT (MAGISTRATE COURT LEVEL) IS BDOLS1,000 AND/OR TWELVE MONTHS IMPRISONMENT WITH/WITHOUT HARD LABOR. NO MINIMUM SENTENCE. (ALMOST ALL NARCOTICS

CASES ARE HANDLED IN THE MAGISTRATE COURTS. SUPREME COURT HAS ORDERED INFERIOR COURTS TO MAKE SUMMARY JUDGMENTS IN AS MANY DRUG CASES AS POSSIBLE. POST CANNOT RECALL NARCOTICS CASE REACHING SUPREME COURT LEVEL.)

(C) STATUTE DOES NOT DEFINE TRAFFICKING, PER SE, BUT PROHIBITS "SELLING". NO QUANTITATIVE DISTINCTION IS MADE BETWEEN POSSESSION AND TRAFFICKING. THE NATURE OF TRAFFICKING IS NOT DEFINED IN ANY WAY BY THE STATUTE.

(D) DANGEROUS DRUG ACT ALSO APPLIES TO CONSPIRACY TO TRAFFIC, IMPORT OR EXPORT NARCOTICS.

III. CULTIVATION

(A) CULTIVATION OF CANNABIS, COCA AND OPIUM POPPY IS PROHIBITED. PENALTIES ARE THE SAME AS DESCRIBED IN II (B) ABOVE.

(B) CULTIVATION IS ILLEGAL.

(C) SAME PENALTIES APPLY TO ELABORATION OF NARCOTICS FROM CANNABIS, COCA AND OPIUM POPPIES. (SEE II (B)).

IV. FINANCIAL UNCLASSIFIED

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(A) ALTHOUGH THE STATUTE DOES NOT SPECIFICALLY PROHIBIT FINANCIAL SUPPORT FOR CULTIVATION, ELABORATION OR TRAFFICKING, IT APPLIES IDENTICAL PENALTIES TO ANYONE WHO "SOLICITS OR INCITES ANOTHER PERSON TO COMMIT" AN OFFENSE AGAINST THIS ORDINANCE. THERE DOES NOT APPEAR TO BE MUCH CONCERN FOR THIS ASPECT OF THE DRUG PROBLE.

(B) THE MONETARY AUTHORITY IS RESPONSIBLE FOR APPLYING THE CURRENCY CONTROL LAWS REGULATING THE FLOW OF CURRENCY OUT OF THE COUNTRY. WHILE THESE LAWS ARE STRINGENT, THEY ARE NOT ENFORCED. THERE IS NO KNOWN PROHIBITION AGAINST OWNERSHIP OF A FOREIGN BANK ACCOUNT.

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UNCLAS FINAL SECTION OF 2 BELIZE 0770

V. CRIMINAL PROCEDURE

(A) IN GENERAL THERE IS NO PERIOD OF INVESTIGATIVE DETENTION. NARCOTICS CASES ARE USUALLY BROUGHT TO THE MAGISTRATE COURT WITHIN ONE DAY. CONSULAR ACCESS IS PERMITTED THROUGHOUT THE CRIMINAL PROCEDURE.

(B) PRETRIAL DETENTION IS USUALLY LESS THAN TWO DAYS.

(C) VIRTUALLY ALL DRUG OFFENSES ARE HANDLED AT THE MAGISTRATE COURT LEVEL. (SEE II (B)). PROCEEDINGS IN THOSE COURTS ARE HELD EVERY WORKING WEEK DAY. THE AVERAGE TRIAL PROCESS IS ONE DAY UNLESS THE DEFENDANT ASKS FOR A DELAY TO RETAIN AND CONSULT COUNSEL. (24 HOUR POSTPONEMENT IS USUALLY GRANTED BY COURT.)

(1) THE ACTUAL TRIAL USUALLY LASTS LESS THAN TWO HOURS AS MOST CASES INVOLVE SMALL AMOUNTS OF MARIJUANA. (A RECENT CASE CONCERNING 1500 POUNDS OF MARIJUANA WAS IN TRIAL, AT THE MAGISTRATE LEVEL, FOR A FULL WEEK -- AN EXCEPTIONALLY LENGTHY PROCEEDING.)

(2) THERE ARE NO REVIEW/CONFIRMATION PROCEEDINGS AT THE INFERIOR COURT LEVEL. UPON PRESENTATION OF UNCLASSIFIED

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THE CASE BY POLICE AND DEFENDANT, THE MAGISTRATE RENDERS A DECISION AND SETS THE PENALTY, IF ANY.

(3) THERE IS NO APPEAL PROCESS FOR DECISIONS MADE AT THE MAGISTRATE LEVEL. ONE MAY APPEAL A SUPREME COURT CONVICTION.

(D) THERE IS NO PROVISION FOR FREE COUNSEL IN NARCOTICS CASES. THERE IS AN ABUNDANCE OF ATTORNEYS IN THE COUNTRY WHO CAN BE RETAINED FOR A REASONABLE FEE (USDOLS100 OR 150) IN SIMPLE DRUG CASES. IN GENERAL, AMCITS CHARGED WITH POSSESSION OF A SMALL AMOUNT OF MARIJUANA DO NOT RETAIN COUNSEL.

(E) THERE IS NO PAROLE IN SUMMARY JUDGMENT CASES, BUT IMPRISONMENT IS RARELY ORDERED. (IN RECENT MEMORY NO AMCIT HAS SERVED TIME FOR A DRUG OFFENSE,) IF SENTENCED TO MORE THAN ONE YEAR BY SUPREME COURT, PRISONER IS ELIGIBLE FOR REMISSION OF SENTENCE FOR GOOD BEHAVIOR.

(F) IT IS CUSTOMARY FOR THE LOCAL AUTHORITIES TO EXPEL MINOR OFFENDERS FROM BELIZE. MOST OFFENDERS ARE FINED USDOLS100-200 AND GIVEN 24 HOURS TO DEPART THE COUNTRY VOLUNTARILY. POST CANNOT RECALL WHEN DRUG OFFENDER HAS BEEN DEPORTED AT THE EXPENSE OF THE BELIZE GOVERNMENT.

COMMENT:

PLEASE NOTE THAT MOST DRUG PROSECUTIONS IN BELIZE INVOLVE SMALL AMOUNTS OF MARIJUANA, OFTEN LESS THAN TWO STICKS. VIOLATIONS INVOLVING HARDER UNCLASSIFIED

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SUBSTANCES AND/OR LARGER AMOUNTS ARE RARE. ALL THE CRIMINAL STATUTES OF BELIZE ARE CURRENTLY BEING REVISED. THIS PROCESS SHOULD BE COMPLETED WITHIN TWO YEARS. THE DANGEROUS DRUG ORDINANCE HAS BEEN SPECIFICALLY CITED FOR SIGNIFICANT REVISIONS AND ADDITIONS.

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